IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 8899 of 2007(H)

PETITIONER:

PATTANAKKAD COIR MATS AND MATTING CO-OPERATIVE SOCIETY LTD.NO.405, PATTANAKKAD P.O., CHERTHALA, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.P.V.JAYACHANDRAN
SMT.KEERTHI SOLOMON

RESPONDENTS:
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1. **THE DIRECTOR OF COIR DEVELOPMENT, DIRECTORATE OF COIR DEVELOPMENT, THIRUVANANTHAPURAM.**

2. **THE PROJECT OFFICER (COIR), ALAPPUZHA.**

ADDITIONAL RESPONDENT

3. **SRI.G.SUDHAKARAN**
MINISTER FOR CO-OPERATION
(COIR & DEVASWOM)
SECRETARIAT, THIRUVANANTHAPURAM

Additional R3 is impleaded as per order dated 22/03/2007 in I.A. No.4185/07

BY GOVERNMENT PLEADER SRI.T.B.HOOD FOR R3
GOVT. PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No. 8899 OF 2007

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Dated this the 6th day of November, 2007

JUDGMENT

Petitioner has approached this court on the following brief allegations.

Petitioner is a Co-operative Society. It is the only society with net profit of Rs. 15 lakhs during 98 to 2006. Pursuant to the enquiry proceedings, former employee of the society Sri.V.R.Ratnappan was dismissed from the service of the society in 2002 with effect from the date of suspension. It is further stated that V.R. Retnappan filed a complaint before the Minister alleging that he has not allowed to be reinstated pursuant to the direction of the Labour Court. The Minister who is impleaded in the personal capacity as additional third respondent without obtaining any reply from the petitioner directed the second respondent to order enquiry under Section 66 of the Act. Second respondent by order dated 12/01/2006 (Ext.P2) directed the Arbitrator-Sale Officer, Project Office (Coir), Alappuzha to have an inspection of the financial affairs between the society and the

former employee V.R. Retnappan and the enquiry is still pending. It is the case of the petitioner that former secretary upon getting employment in the state service resigned from the society and now a member of the society is acting in-charge of the Secretary. Vacancy was notified and Coir Project Officer accorded sanction for conducting a test for the appointment of Secretary of the petitioner. Applications were invited and the written test was scheduled to be held on 22.02.2007. In the meantime, four members of the society submitted a complaint before the Minister stating that V.R. Retnappan was not reinstated in service and he is also entitled to get the post of Secretary and therefore requested to stop the recruitment proceedings for the appointment of Secretary to the petitioner. The third respondent , by order dated 21/02/2007 directed the respondent to stop all recruitment processes since enquiry under Section 66 has been commenced.

2. The main contention of the petitioner is that the Minister has absolutely no authority in law to interfere with recruitment process. I heard learned counsel for the petitioner and the learned Government Pleader.

3. Learned counsel for the petitioner relied on the

decision of the Full Bench in **Aji v. State of Kerala** (1995(1)KLT 363) to contend that there is total absence of jurisdiction with the Minister to interfere with the recruitment process. Petitioner further contends that no powers are available with the Minister to pass the impugned order. I find that there is considerable merit in the contention of the petitioner that the third respondent had no authority to interfere with the matter as he has done and the impugned order is liable to be quashed. In such circumstances, the direction of the third respondent being found bereft of any legal authority, the impugned endorsement by him in Ext.P3 is quashed.

Writ petition is allowed as above.

(K.M.JOSEPH, JUDGE)

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